

**REPRINT**

**HOUSE SUBSTITUTE FOR**

**SENATE BILL NO. 803**

(As passed the House, April 2, 1998)

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 3, 4, 7, 9, 11, 11a, 12, 13, 14, 17, 19, 23, 25, 26, 26a, 26b, 28, 29, 30, 33, 35, 44, and 45 (MCL 552.602, 552.603, 552.604, 552.607, 552.609, 552.611, 552.611a, 552.612, 552.613, 552.614, 552.617, 552.619, 552.623, 552.625, 552.626, 552.626a, 552.626b, 552.628, 552.629, 552.630, 552.633, 552.635, 552.644, and 552.645), sections 2, 3, and 23 as amended and sections 28, 29, 30, and 45 as added by 1996 PA 239, sections 4 and 19 as amended by 1992 PA 291, sections 7 and 14 as amended and section 25 as added by 1985 PA 210, sections 9 and 11a as amended and sections 26, 26a, and 26b as added by 1995 PA 236, sections 11 and 17 as amended by 1996 PA 367, sections 33 and 35 as amended by 1996 PA 336, and section 44 as amended by 1996 PA 301, and by adding sections 24a, 25a, and 25b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 2. As used in this act:
- 2       (A) "ACCOUNT" MEANS ANY OF THE FOLLOWING:
- 3       (i) A DEMAND DEPOSIT ACCOUNT.
- 4       (ii) A DRAFT ACCOUNT.
- 5       (iii) A CHECKING ACCOUNT.
- 6       (iv) A NEGOTIABLE ORDER OF WITHDRAWAL ACCOUNT.
- 7       (v) A SHARE ACCOUNT.
- 8       (vi) A SAVINGS ACCOUNT.
- 9       (vii) A TIME SAVINGS ACCOUNT.
- 10      (viii) A MUTUAL FUND ACCOUNT.
- 11      (ix) A SECURITIES BROKERAGE ACCOUNT.
- 12      (x) A MONEY MARKET ACCOUNT.
- 13      (xi) A RETAIL INVESTMENT ACCOUNT.
- 14      (B) "ACCOUNT" DOES NOT MEAN ANY OF THE FOLLOWING:
- 15      (i) A TRUST.
- 16      (ii) AN ANNUITY.
- 17      (iii) A QUALIFIED INDIVIDUAL RETIREMENT ACCOUNT.
- 18      (iv) AN ACCOUNT COVERED BY THE EMPLOYEE RETIREMENT INCOME
- 19 SECURITY ACT OF 1974, PUBLIC LAW 93-406, 88 STAT. 829.
- 20      (v) A PENSION OR RETIREMENT PLAN.
- 21      (vi) AN INSURANCE POLICY.
- 22      (C) "ADDRESS" MEANS THE PRIMARY ADDRESS SHOWN ON THE RECORDS
- 23 OF A FINANCIAL INSTITUTION USED BY THE FINANCIAL INSTITUTION TO
- 24 CONTACT THE ACCOUNT HOLDER.
- 25      (D) ~~(a)~~ "Driver's license" means license as that term is
- 26 defined in section 25 of the Michigan vehicle code, ~~Act No. 300~~

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

3

1 of the Public Acts of 1949, being section 257.25 of the Michigan  
2 Compiled Laws— 1949 PA 300, MCL 257.25.

3 (E) ~~(b)~~ "Employer" means an individual, sole proprietor-  
4 ship, partnership, association, or private or public corporation,  
5 the United States or a federal agency, this state or a political  
6 subdivision of this state, another state or a political subdivi-  
7 sion of another state, or another legal entity that hires and  
8 pays an individual for his or her services.

9 (F) "FINANCIAL ASSET" MEANS A DEPOSIT, ACCOUNT, MONEY MARKET  
10 FUND, STOCK, BOND, OR SIMILAR INSTRUMENT.

11 (G) "FINANCIAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

12 (i) A STATE OR NATIONAL BANK.

13 (ii) A STATE OR FEDERALLY CHARTERED SAVINGS AND LOAN  
14 ASSOCIATION.

15 (iii) A STATE OR FEDERALLY CHARTERED SAVINGS BANK.

16 (iv) A STATE OR FEDERALLY CHARTERED CREDIT UNION.

17 (v) AN INSURANCE COMPANY.

18 (vi) AN ENTITY THAT OFFERS ANY OF THE FOLLOWING TO A RESI-  
19 DENT OF THIS STATE:

20 (A) A MUTUAL FUND ACCOUNT.

21 (B) A SECURITIES BROKERAGE ACCOUNT.

22 (C) A MONEY MARKET ACCOUNT.

23 (D) A RETAIL INVESTMENT ACCOUNT.

24 (vii) AN ENTITY REGULATED BY THE SECURITIES AND EXCHANGE  
25 COMMISSION THAT COLLECTS FUNDS FROM THE PUBLIC.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

4

1           (viii) AN ENTITY THAT IS A MEMBER OF THE NATIONAL  
2 ASSOCIATION OF SECURITIES DEALERS AND THAT COLLECTS FUNDS FROM  
3 THE PUBLIC.

4           (ix) ANOTHER ENTITY THAT COLLECTS FUNDS FROM THE PUBLIC.

5           (H) ~~(c)~~ "Friend of the court act" means ~~Act No. 294 of~~  
6 ~~the Public Acts of 1982, being sections 552.501 to 552.535 of the~~  
7 ~~Michigan Compiled Laws~~ 1982 PA 294, MCL 552.501 TO 552.535.

8           (I) ~~(d)~~ "Income" means any of the following:

9           (i) Commissions, earnings, salaries, wages, and other income  
10 due or to be due in the future to an individual from his or her  
11 employer and successor employers.

12           (ii) A payment due or to be due in the future to an individ-  
13 ual from a profit-sharing plan, a pension plan, an insurance con-  
14 tract, an annuity, social security, unemployment compensation,  
15 supplemental unemployment benefits, or worker's compensation.

16           (iii) An amount of money that is due to an individual as a  
17 debt of another individual, partnership, association, or private  
18 or public corporation, the United States or a federal agency,  
19 this state or a political subdivision of this state, another  
20 state or a political subdivision of another state, or another  
21 legal entity that is indebted to the individual.

22           (J) ~~(e)~~ "Insurer" means an insurer, health maintenance  
23 organization, health care corporation, or other group, plan, or  
24 entity that provides health care coverage in accordance with any  
25 of the following acts:

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

5

1       (i) The public health code, ~~Act No. 368 of the Public Acts~~  
2 ~~of 1978, being sections 333.1101 to 333.25211 of the Michigan~~  
3 ~~Compiled Laws~~ 1978 PA 368, MCL 333.1101 TO 333.25211.

4       (ii) The insurance code of 1956, ~~Act No. 218 of the Public~~  
5 ~~Acts of 1956, being sections 500.100 to 500.8302 of the Michigan~~  
6 ~~Compiled Laws~~ 1956 PA 218, MCL 500.100 TO 500.8302.

7       (iii) The nonprofit health care corporation reform act, ~~Act~~  
8 ~~No. 350 of the Public Acts of 1980, being sections 550.1101 to~~  
9 ~~550.1704 of the Michigan Compiled Laws~~ 1980 PA 350, MCL 550.1101  
10 TO 550.1704.

11       (K) ~~(f)~~ "Medical assistance" means medical assistance as  
12 established under title XIX of the social security act, chapter  
13 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396f, 1396g-1 TO 1396r-6,  
14 AND 1396r-8 TO 1396v.

15       (l) ~~(g)~~ "Occupational license" means a certificate, regis-  
16 tration, or license issued by ~~an occupational regulatory agency~~  
17 A STATE DEPARTMENT, BUREAU, OR AGENCY THAT HAS REGULATORY AUTHOR-  
18 ITY OVER AN INDIVIDUAL that allows an individual to legally  
19 engage in a regulated occupation or that allows the individual to  
20 use a specific title in the practice of an occupation, profes-  
21 sion, or vocation.

22       ~~(h) "Occupational regulatory agency" means a state depart-~~  
23 ~~ment, bureau, or agency that has regulatory authority over an~~  
24 ~~individual issued an occupational license.~~

25       (M) ~~(i)~~ "Office of child support" means the office of  
26 child support established in section 2 of the office of child  
27 support act, ~~Act No. 174 of the Public Acts of 1971, being~~

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

6

1 ~~section 400.232 of the Michigan Compiled Laws~~ 1971 PA 174, MCL  
2 400.232.

3 (N) ~~(j)~~ "Office of the friend of the court" means the  
4 agency created in section 3 of the friend of the court act,  
5 ~~being section 552.503 of the Michigan Compiled Laws~~ MCL  
6 552.503.

7 (O) ~~(k)~~ "Order of income withholding" means an order  
8 entered by the circuit court providing for the withholding of a  
9 payer's income to enforce a support order under this act.

10 (P) ~~(l)~~ "Payer" means an individual who is ordered by the  
11 circuit court to pay support.

12 (Q) ~~(m)~~ "Plan administrator" means that term as used in  
13 relation to a group health plan under section 609 of part 6 of  
14 subtitle B of title I of the employee retirement income security  
15 act of 1974, Public Law 93-406, 29 U.S.C. 1169, if the health  
16 care coverage plan of the individual who is responsible for pro-  
17 viding a child with health care coverage is subject to that act.

18 (R) ~~(n)~~ "Political subdivision" means a county, city, vil-  
19 lage, township, educational institution, school district, or spe-  
20 cial district or authority of the state or of a local unit of  
21 government.

22 (S) ~~(o)~~ "Recipient of support" means the following:

23 (i) The spouse, if the support order orders spousal  
24 support.

25 (ii) The custodial parent or guardian, if the support order  
26 orders support for a minor child or a child who is 18 years of  
27 age or older.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

7

1       (iii) The family independence agency, if support has been  
2 assigned to that department.

3       (T) "RECREATIONAL OR SPORTING LICENSE" MEANS A HUNTING,  
4 FISHING, OR FUR HARVESTER'S LICENSE ISSUED UNDER THE NATURAL  
5 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.101  
6 TO 324.90106, BUT DOES NOT INCLUDE A COMMERCIAL FISHING LICENSE OR  
7 PERMIT ISSUED UNDER PART 473 OF THE NATURAL RESOURCES AND  
8 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.47301 TO  
9 324.47362.

10       (U) ~~(p)~~ "Referee" means a person who is designated as a  
11 referee under the friend of the court act.

12       (V) ~~(q)~~ "Source of income" means an employer or successor  
13 employer or another individual or entity that owes or will owe  
14 income to the payer.  
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17       (W) ~~(r)~~ "Support" means all of the following:

18       (i) The payment of money for a child or a spouse ordered by  
19 the circuit court, whether the order is embodied in an interim,  
20 temporary, permanent, or modified order or judgment. Support may  
21 include payment of the expenses of medical, dental, and other  
22 health care, child care expenses, and educational expenses.

23       (ii) The payment of money ordered by the circuit court under  
24 the paternity act, ~~Act No. 205 of the Public Acts of 1956, being~~  
25 ~~sections 722.711 to 722.730 of the Michigan Compiled Laws 1956~~  
26 PA 205, MCL 722.711 TO 722.730, for the necessary expenses  
27 incurred by or for the mother in connection with her confinement

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

8

1 or of other expenses in connection with the pregnancy of the  
2 mother.

3 (iii) A surcharge accumulated under section 3a.

4 (X) ~~(s)~~ "Support order" means an order entered by the cir-  
5 cuit court for the payment of support, whether or not a sum  
6 certain.

7 (Y) "WORK ACTIVITY" MEANS ANY OF THE FOLLOWING:

8 (i) UNSUBSIDIZED EMPLOYMENT.

9 (ii) SUBSIDIZED PRIVATE SECTOR EMPLOYMENT.

10 (iii) SUBSIDIZED PUBLIC SECTOR EMPLOYMENT.

11 (iv) WORK EXPERIENCE, INCLUDING WORK ASSOCIATED WITH THE  
12 REFURBISHING OF PUBLICLY ASSISTED HOUSING, IF SUFFICIENT PRIVATE  
13 SECTOR EMPLOYMENT IS NOT AVAILABLE.

14 (v) ON-THE-JOB TRAINING.

15 (vi) JOB SEARCH AND JOB READINESS ASSISTANCE.

16 (vii) COMMUNITY SERVICE PROGRAMS.

17 (viii) VOCATIONAL EDUCATIONAL TRAINING, NOT TO EXCEED 12  
18 MONTHS WITH RESPECT TO ANY INDIVIDUAL.

19 (ix) JOB SKILLS TRAINING DIRECTLY RELATED TO EMPLOYMENT.

20 (x) EDUCATION DIRECTLY RELATED TO EMPLOYMENT, IN THE CASE OF  
21 AN INDIVIDUAL WHO HAS NOT RECEIVED A HIGH SCHOOL DIPLOMA OR A  
22 CERTIFICATE OF HIGH SCHOOL EQUIVALENCY.

23 (xi) SATISFACTORY ATTENDANCE AT SECONDARY SCHOOL OR IN A  
24 COURSE OF STUDY LEADING TO A CERTIFICATE OF GENERAL EQUIVALANCE,  
25 IN THE CASE OF AN INDIVIDUAL WHO HAS NOT COMPLETED SECONDARY  
26 SCHOOL OR RECEIVED SUCH A CERTIFICATE.



**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

9

1           (xii) THE PROVISIONS OF CHILD CARE SERVICES TO AN INDIVIDUAL  
2 WHO IS PARTICIPATING IN A COMMUNITY SERVICE PROGRAM.

3           Sec. 3. (1) A support order issued by a court of this state  
4 shall be enforced as provided in this section.

5           (2) Except as otherwise provided in this section, a support  
6 order that is part of a judgment or is an order in a domestic  
7 relations matter as defined in section ~~31~~ 2 of the friend of  
8 the court act, ~~being section 552.531 of the Michigan Compiled~~  
9 ~~Laws~~ MCL 552.502, is a judgment on and after the date each sup-  
10 port payment is due, with the full force, effect, and attributes  
11 of a judgment of this state, and is not, on and after the date it  
12 is due, subject to retroactive modification. Retroactive modifi-  
13 cation of a support payment due under a support order is permis-  
14 sible with respect to any period during which there is pending a  
15 petition for modification, but only from the date that notice of  
16 the petition was given to the payer or recipient of support.

17           (3) This section does not apply to an ex parte interim sup-  
18 port order or a temporary support order entered under supreme  
19 court rule.

20           (4) The office of the friend of the court shall make avail-  
21 able to a payer or payee the forms and instructions described in  
22 section 17a of the friend of the court act, ~~being section~~  
23 ~~552.517a of the Michigan Compiled Laws~~ MCL 552.517A.

24           (5) This section does not prohibit a court approved agree-  
25 ment between the parties to retroactively modify a support  
26 order. This section does not limit other enforcement remedies  
27 available under this act or any other act.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

10

1 (6) Every support order that is part of a judgment issued by  
2 a court of this state or that is an order in a domestic relations  
3 matter as defined in section ~~31~~ 2 of the friend of the court  
4 act, MCL 552.502, shall include all of the following:

5 (a) Substantially the following statement: "Except as oth-  
6 erwise provided in section 3 of the support and parenting time  
7 enforcement act, ~~Mich. Comp. Laws <SS>552.603 (1979)~~ 1982 PA 295,  
8 MCL 552.603, a support order that is part of a judgment or that  
9 is an order in a domestic relations matter as defined in section  
10 ~~31~~ 2 of the friend of the court act, ~~Mich. Comp. Laws <SS>552.531~~  
11 ~~(1979)~~ 1982 PA 294, MCL 552.502, is a judgment on and after the  
12 date each support payment is due, with the full force, effect,  
13 and attributes of a judgment of this state, and is not, on and  
14 after the date it is due, subject to retroactive modification. A  
15 surcharge will be added to support payments that are past due as  
16 provided in section 3a of the support and parenting time enforce-  
17 ment act, ~~Mich. Comp. Laws <SS>552.603a (1979)~~ 1982 PA 295, MCL  
18 552.603A.".

19 (B) NOTICE INFORMING THE PAYER OF THE IMPOSITION OF LIENS BY  
20 OPERATION OF LAW AND THAT THE PAYER'S REAL AND PERSONAL PROPERTY  
21 CAN BE ENCUMBERED OR SEIZED IF AN ARREARAGE ACCRUES IN AN AMOUNT  
22 GREATER THAN THE AMOUNT OF PERIODIC SUPPORT PAYMENTS PAYABLE FOR  
23 1 YEAR UNDER THE PAYER'S SUPPORT ORDER.

24 (C) ~~(b)~~ A requirement that, within 21 days after the payer  
25 or payee changes his or her RESIDENTIAL OR MAILING address, that  
26 person report the new address AND HIS OR HER TELEPHONE NUMBER in  
27 writing to the friend of the court.

**SB 803, As Passed Senate, April 15, 1998**

SB 803 as amended by the Senate April 15, 1998

11

1 (D) ~~(c)~~ A requirement that both the payer and payee ~~keep~~  
2 NOTIFY the office of the friend of the court ~~informed~~ if he or  
3 she holds an occupational license and if he or she holds a  
4 driver's license.

5 (E) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PAYER'S  
6 CURRENT SOURCE OF INCOME.

7 (F) A REQUIREMENT THAT BOTH THE PAYER AND PAYEE INFORM THE  
8 OFFICE OF THE FRIEND OF THE COURT OF HIS OR HER SOCIAL SECURITY  
9 NUMBER AND DRIVER'S LICENSE NUMBER. THE REQUIREMENT OF THIS  
SUBDIVISION TO PROVIDE A SOCIAL SECURITY NUMBER WITH THE INFORMATION  
DOES NOT APPLY TO A PAYER OR PAYEE WHO IS EXEMPT UNDER FEDERAL LAW  
FROM OBTAINING A SOCIAL SECURITY NUMBER OR WHO DEMONSTRATES THAT HE  
OR SHE IS EXEMPT UNDER FEDERAL OR STATE LAW FROM DISCLOSURE OF HIS  
OR HER SOCIAL SECURITY NUMBER UNDER THESE CIRCUMSTANCES. THE COURT  
SHALL INFORM THE PAYER AND PAYEE OF THIS POSSIBLE EXEMPTION.

10 (7) A support order shall not accrue interest.

11 Sec. 4. (1) After July 1, 1983, each support order entered  
12 or modified by the circuit court shall provide for an order of  
13 income withholding.

14 (2) Each support order entered by the circuit court on or  
15 before July 1, 1983 shall be considered to provide for an order  
16 of income withholding by operation of law, and income withholding  
17 shall be implemented under the same circumstances and enforced in  
18 the same manner as in the case of orders of income withholding  
19 provided for pursuant to subsection (1). The office of the  
20 friend of the court shall send notice of the provisions of this  
21 subsection by ordinary mail to each payer under a support order  
22 entered by the circuit court on or before July 1, 1983 to whom  
23 this subsection applies.

24 (3) An order of income withholding in a support order  
25 including consideration of any abatements of support entered or  
26 modified after December 31, 1990, shall take effect immediately  
27 unless 1 of the following applies:

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

12

1 (a) The court finds, upon notice and hearing, that there is  
2 good cause for the order of income withholding not to take effect  
3 immediately. For purposes of this subdivision, a finding of good  
4 cause shall be based on at least all of the following:

5 (i) A written and specific finding by the court why immedi-  
6 ate income withholding would not be in the best interests of the  
7 child.

8 (ii) Proof of timely payment of previously ordered support,  
9 if applicable.

10 (iii) An agreement by the payer that he or she shall keep  
11 the office of the friend of the court informed of both of the  
12 following:

13 (A) The name, ~~and~~ address, AND TELEPHONE NUMBER of his or  
14 her current source of income.

15 (B) Any health care coverage that is available to him or her  
16 as a benefit of employment or that is maintained by him or her;  
17 the name of the ~~insurance company, health care organization, or~~  
18 ~~health maintenance organization~~ INSURER; the policy, certifi-  
19 cate, or contract number; and the names and birth dates of the  
20 persons for whose benefit he or she maintains health care cover-  
21 age under the policy, certificate, or contract.

22 (b) The parties enter into a written agreement that is  
23 reviewed and entered in the record by the court that provides for  
24 all of the following:

25 (i) The order of income withholding shall not take effect  
26 immediately.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

13

1 (ii) An alternative payment arrangement.

2 (iii) ~~The~~ THAT THE payer shall keep the office of the  
3 friend of the court informed of both of the following:

4 (A) The name, ~~and~~ address, AND TELEPHONE NUMBER of his or  
5 her current source of income.

6 (B) Any health care coverage that is available to him or her  
7 as a benefit of employment or that is maintained by him or her;  
8 the name of the ~~insurance company, health care organization, or~~  
9 ~~health maintenance organization~~ INSURER; the policy, certifi-  
10 cate, or contract number; and names and birth dates of the per-  
11 sons for whose benefit he or she maintains health care coverage  
12 under the policy, certificate, or contract.

13 (4) Except as otherwise provided in subsection (3)(a) or  
14 (b), an order of income withholding in an ex parte interim sup-  
15 port order shall take effect after the expiration of 14 days  
16 after the order has been served on the opposite party unless the  
17 opposite party files a written objection to the ex parte interim  
18 support order during that 14-day period.

19 (5) An order of income withholding that does not take effect  
20 immediately pursuant to this section shall take effect when the  
21 requirement of section 7 is met.

22 (6) The court for cause or at the request of the payer may  
23 order the withholding of income to take effect immediately.

24 (7) An order of income withholding in a support order  
25 entered on or before December 31, 1990 ~~—~~ shall take effect when  
26 the requirement of section 7 is met.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

14

1       Sec. 7. (1) If the fixed amount of arrearage determined  
2 under section 11(1) of the friend of the court act, ~~being~~  
3 ~~section 552.511 of the Michigan Compiled Laws~~ MCL 552.511, is  
4 reached, the office of the friend of the court immediately shall  
5 send notice of the arrearage to the payer by ordinary mail to his  
6 or her last known address. The notice to the payer shall contain  
7 the following information:

8       (a) The amount of the arrearage.

9       (b) That the payer's income ~~will be~~ IS subject to ~~an~~  
10 ~~order of~~ income withholding and the amount to be withheld.

11       (c) That ~~the order of~~ income withholding will be applied  
12 to current and subsequent employers and periods of employment AND  
13 OTHER SOURCES OF INCOME.

14       (d) That the order of income withholding ~~will take effect~~  
15 ~~14 days after the date on which the notice was sent, unless the~~  
16 ~~payer responds by requesting a hearing~~ IS EFFECTIVE AND NOTICE  
17 TO WITHHOLD INCOME WILL BE SENT TO THE PAYER'S SOURCE OF INCOME.

18       (e) That ~~at the hearing~~ the payer may REQUEST A HEARING  
19 WITHIN 14 DAYS AFTER THE DATE OF THE NOTICE TO contest the with-  
20 holding, but only on the grounds that the withholding is not  
21 proper because of a mistake of fact concerning the amount of cur-  
22 rent or overdue support or the identity of the payer.

23       (f) That if the hearing is held before a referee, the payer  
24 has a right to a de novo hearing before a circuit court judge.

25       (g) That if the payer believes that the amount of support  
26 should be modified due to a change in circumstances, the payer

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

15

1 may file a petition with the court for modification of the  
2 support order.

3 (2) A copy of the notice provided for in subsection (1)  
4 shall be sent by ordinary mail to each recipient of support.

5 (3) A payer to whom notice is sent under subsection (1),  
6 within 14 days after the date on which the notice was sent, may  
7 request a hearing on the ~~issue of whether the order of income~~  
8 ~~withholding should take effect, in which case the order of income~~  
9 ~~withholding shall be delayed pending the outcome of the hearing~~  
10 GROUNDS THAT THE WITHHOLDING IS NOT PROPER BECAUSE OF A MISTAKE  
11 OF FACT CONCERNING THE AMOUNT OF CURRENT OR OVERDUE SUPPORT OR  
12 THE IDENTITY OF THE PAYER.

13 (4) A referee or circuit judge shall hold a hearing  
14 requested under this section within 14 days after the date of the  
15 request. If at the hearing the payer establishes that the with-  
16 holding is not proper because of a mistake of fact concerning the  
17 amount of current or overdue support or the identity of the  
18 payer, the referee or circuit judge may direct that the order of  
19 income withholding be ~~delayed~~ RESCINDED until such time as the  
20 referee or judge determines. ~~If the referee or judge finds~~  
21 ~~against the payer, the order of income withholding shall take~~  
22 ~~effect immediately and a copy of the order of income withholding~~  
23 ~~and the notice described in section 9 shall be mailed to the~~  
24 ~~payer and the payer's sources of income as provided in section~~  
25 ~~11.~~

26 (5) If the hearing provided under subsection (4) is held  
27 before a referee, either party may request a de novo hearing as

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

16

1 provided in section 7(5) of the friend of the court act, ~~being~~  
2 ~~section 552.507 of the Michigan Compiled Laws~~ MCL 552.507.

3 (6) If a petition for modification of the support order is  
4 filed by or on behalf of a payer and is pending at the date  
5 scheduled for a hearing under subsection (4), the court may con-  
6 solidate the hearing under subsection (4) and a hearing on the  
7 petition for modification.

8 (7) All proceedings under this section shall be completed  
9 within 45 days after the date that notice was sent under subsec-  
10 tion (1), unless otherwise permitted by the court upon a showing  
11 of good cause.

12 Sec. 9. ~~An order~~ A NOTICE of income withholding entered  
13 under this act shall be served on sources of income as provided  
14 in section 11. The ~~order~~ NOTICE shall direct sources of income  
15 to withhold from income due the payer and to pay to the office of  
16 the friend of the court for the judicial circuit in which the  
17 order was entered an amount sufficient to meet the payments  
18 ordered for support and service fees, and to defray arrearages in  
19 payments and service fees due at the time the order of income  
20 withholding takes effect. The ~~order~~ NOTICE shall also direct  
21 that the amount withheld for support, fees, and health care cov-  
22 erage premiums shall not exceed the amount allowed under section  
23 303(b) of title III of the consumer credit protection act, Public  
24 Law 90-321, 15 U.S.C. 1673. The ~~order shall be accompanied by~~  
25 ~~a notice containing~~ NOTICE SHALL CONTAIN a statement of the  
26 requirements of sections 11, 11a, 12, 13, 14, and 23. The  
27 ~~order~~ NOTICE shall also direct that income withheld under the



**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

17

1 ~~order~~ NOTICE for support and fees shall be paid to the office  
2 of the friend of the court within 3 days after the date of the  
3 withholding.

4 Sec. 11. An order of income withholding entered under this  
5 act is binding upon a source of income 7 days after service upon  
6 that source of income of a ~~copy~~ NOTICE of the order of income  
7 withholding by ordinary mail or by electronic means as agreed by  
8 the source of income and the office of the friend of the court.  
9 The order of income withholding remains in effect until further  
10 order of the court. An order of income withholding has priority  
11 over all other legal process under state law against the same  
12 income.

13 Sec. 11a. (1) If there is more than 1 order to withhold  
14 income for support, fees, or health care coverage premiums  
15 against a payer or parent under this act, the source of income  
16 shall comply with all of the ~~orders~~ NOTICES TO WITHHOLD INCOME  
17 to the extent that the total amount withheld from the payer's or  
18 parent's income does not exceed the limits imposed under section  
19 303(b) of title III of the consumer credit protection act, Public  
20 Law 90-321, 15 U.S.C. 1673, giving priority to amounts designated  
21 in each ~~order~~ NOTICE as current support, as follows:

22 (a) If the total of the amounts designated in the ~~orders~~  
23 NOTICES as current support exceeds the amount available for  
24 income withholding, then the source of income shall allocate to  
25 each order an amount for current support equal to the amount des-  
26 ignated in ~~that order~~ THE NOTICE as current support, divided by  
27 the total of the amounts designated in the ~~orders~~ NOTICES as

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

18

1 current support, multiplied by the amount of income available for  
2 income withholding.

3       (b) If the total of the amounts designated in the ~~orders~~  
4 NOTICES as current support does not exceed the amount available  
5 for income withholding, then the source of income shall pay the  
6 amounts designated as current support, and in addition shall pro-  
7 portionately allocate to each order an amount for past due sup-  
8 port not to exceed the amount designated in ~~that order~~ THE  
9 NOTICE as past due support. This subdivision does not require  
10 the maximum withholding to satisfy past due child or spousal  
11 support.

12       (c) If the total amounts allocated to current and past due  
13 support do not exceed the amount available for income withhold-  
14 ing, then the source of income shall allocate the remaining  
15 income to the parent's portion of health care coverage premiums  
16 attributable to coverage of the children specified in the order  
17 if remaining income is sufficient to cover the cost of the  
18 premium. This subdivision does not require a source of income to  
19 pay the parent's portion of health care coverage premiums.

20       (2) A source of income is liable for any amount that the  
21 source knowingly and intentionally fails to withhold from the  
22 payer's income following service on the source of income of ~~an~~  
23 ~~order~~ A NOTICE of income withholding, except to the extent that  
24 the amount is limited by subsection (1) and section 303(b) of  
25 title III of the consumer credit protection act, PUBLIC LAW  
26 90-321, 15 U.S.C. 1673.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

19

1 (3) A source of income shall identify each withholding by  
2 payer, payer's social security number, case number, amount  
3 withheld, and the date on which support was withheld from the  
4 payer's income. If the source of income is an employer, it shall  
5 provide its federal employer identification number to the office  
6 of the friend of the court.

7 (4) A source of income may combine amounts withheld from  
8 payers' incomes in a single payment and separately identify by  
9 payer, social security number, and case number the portion of the  
10 single payment that is attributable to each individual payer.

11 Sec. 12. Compliance by the source of income with ~~an order~~  
12 A NOTICE of income withholding operates as a discharge of the  
13 source's liability to the payer as to that portion of the payer's  
14 income affected.

15 Sec. 13. The court may find a source of income in contempt  
16 AND FINE THE SOURCE OF INCOME if the source of income is served  
17 with ~~an order~~ A NOTICE of income withholding and fails to  
18 comply with the ~~order~~ NOTICE OR TO PAY WITHHELD AMOUNTS TO THE  
19 FRIEND OF THE COURT after the order becomes binding under section  
20 11.

21 Sec. 14. (1) A source of income that has been served with  
22 ~~an order~~ A NOTICE of income withholding OR WITH AN ORDER OR  
23 NOTICE OF AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE shall  
24 notify the appropriate office of the friend of the court if the  
25 ~~payer's~~ PARENT'S income from that source is terminated.

26 (2) If the source of income is an employer, the source of  
27 income shall promptly notify the appropriate office of the friend

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

20

1 of the court when the payer's employment is terminated or  
2 interrupted for a period of 14 or more consecutive days, and  
3 shall provide the payer's last known address and the name and  
4 address of the payer's new employer or other source of income, if  
5 known. The office of the friend of the court shall immediately  
6 serve the payer's new employer or other source of income with a  
7 ~~true copy of the order~~ NOTICE of income withholding AND, IF THE  
8 PAYER'S SOURCE OF INCOME IS AN EMPLOYER, WITH A NOTICE OF THE  
9 ORDER FOR DEPENDENT HEALTH CARE COVERAGE.

10       Sec. 17. If the court orders a modification in support and  
11 an order of income withholding has been entered under this act,  
12 the office of the friend of the court shall give to a source of  
13 income to which ~~a copy of the order~~ NOTICE of income withhold-  
14 ing was sent under section 11 a notice of the modification by  
15 ordinary mail or by electronic means as agreed by the source of  
16 income and the office of the friend of the court. The amount  
17 assigned or withheld shall be changed to conform with the court  
18 ordered modification 7 days after receipt of the notice of  
19 modification.

20       Sec. 19. (1) If the court awards to the payer sole custody  
21 of a child for whom the payer has been previously ordered to pay  
22 support and a previously accumulated arrearage under the support  
23 order for that child does not exist, the court shall modify any  
24 existing support order to exclude support ordered to be paid by  
25 that payer for that particular child. If an existing support  
26 order does not provide for support to any other child of whom the  
27 payer does not have custody, for support to a former spouse, or

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

21

1 for payments of confinement or pregnancy expenses, the court  
2 shall terminate the order of income withholding as soon as any  
3 previously accumulated arrearage has been paid.

4 (2) The court shall suspend or terminate an order of income  
5 withholding under any of the following circumstances:

6 (a) The location of the child and custodial parent cannot be  
7 determined by the friend of the court for a period of 90 days or  
8 more.

9 (b) The court determines that there is no further support  
10 obligation.

11 (c) When otherwise determined by the court, upon a showing  
12 of good cause, and if the court determines that such suspension  
13 or termination is not contrary to the best interests of the  
14 child. In making a determination under this subdivision, the  
15 court may consider the previous payment record of the payer, evi-  
16 dence of the payer's intent to make regular and timely support  
17 payments, and any other factors considered relevant by the  
18 court. However, the payment of arrearages under the support  
19 order shall not be the sole reason for termination of an order of  
20 income withholding.

21 (d) The parties enter into a written agreement that is  
22 reviewed and entered in the record by the court that provides for  
23 all of the following:

24 (i) The order of income withholding shall be suspended.

25 (ii) An alternative payment arrangement.

26 (iii) The payer shall keep the office of the friend of the  
27 court informed of both of the following:

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

22

1 (A) The name and address of his or her current source of  
2 income.

3 (B) Any health care coverage that is available to him or her  
4 as a benefit of employment or that is maintained by him or her;  
5 the name of the insurance company, health care organization, or  
6 health maintenance organization; the policy, certificate, or con-  
7 tract number; and names and birth dates of the persons for whose  
8 benefit he or she maintains health care coverage under the  
9 policy, certificate, or contract.

10 (3) The parties shall not enter into a written agreement  
11 pursuant to subsection (2)(d) if either of the following circum-  
12 stances exists:

13 (i) There is a support arrearage.

14 (ii) An order of income withholding was previously suspended  
15 or terminated and subsequently implemented due to the payer's  
16 failure to pay support.

17 (4) If a written agreement is entered into pursuant to  
18 subsection (2)(d), the order of income withholding shall take  
19 effect when the ~~requirement of section 7 is met~~ FIXED AMOUNT OF  
20 ARREARAGE DETERMINED UNDER SECTION 11(1) OF THE FRIEND OF THE  
21 COURT ACT, MCL 552.511, IS REACHED.

22 (5) The court may suspend or terminate an order of income  
23 withholding if the custodial parent moves out of the state with-  
24 out court authorization.

25 (6) The office of the friend of the court shall promptly  
26 refund money that has been improperly withheld.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

23

1           Sec. 23. (1) A source of income shall not use ~~an order~~ A  
2 NOTICE of income withholding as a basis for refusing to employ,  
3 discharging, taking disciplinary action against, or imposing a  
4 penalty against a payer. A source of income who refuses to  
5 employ, discharges, disciplines, or penalizes a payer in viola-  
6 tion of this section is guilty of a misdemeanor, punishable by a  
7 fine of not more than \$500.00, and shall be required to make full  
8 restitution to the aggrieved payer, including reinstatement and  
9 back pay.

10           (2) A source of income shall not use the suspension, as pro-  
11 vided for in this act, of an occupational ~~or~~ LICENSE, driver's  
12 license, OR RECREATIONAL OR SPORTING LICENSE as the basis  
13 for refusing to employ, discharging, taking disciplinary action  
14 against, or imposing a penalty against a payer unless the sus-  
15 pended license is legally required for the payer's performance of  
16 the job. This act does not prevent a source of income from  
17 refusing to employ or discharging an individual whose occupa-  
18 tional ~~or~~ LICENSE, driver's license, OR RECREATIONAL OR  
19 SPORTING LICENSE is suspended if that license is a necessary  
20 predicate to engage in that occupation, vocation, or profession.

21           SEC. 24A. IF A SUPPORT ARREARAGE HAS ACCRUED AND THERE IS  
22 REASON TO BELIEVE THE PAYER TRANSFERRED TITLE OR OWNERSHIP OF  
23 REAL OR PERSONAL PROPERTY WITHOUT FAIR CONSIDERATION, THE OFFICE  
24 OF THE FRIEND OF THE COURT SHALL INITIATE PROCEEDINGS TO HAVE THE  
25 TRANSFER SET ASIDE AS PROVIDED IN THE UNIFORM FRAUDULENT CONVEY-  
26 ANCE ACT, 1919 PA 310, MCL 566.11 TO 566.23, OR OBTAIN A  
27 SETTLEMENT IN THE FORM OF FULL PAYMENT OF THE ARREARAGE OR IN

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

24

1 PERIODIC REPAYMENTS AS IS POSSIBLE IN THE BEST INTEREST OF THE  
2 RECIPIENT OF SUPPORT.

3       Sec. 25. In addition to providing remedies or imposing pen-  
4 alties otherwise available under this act or other law for the  
5 enforcement of support orders, the court, upon petition by the  
6 office of the friend of the court or recipient of support and  
7 after notice to the payer and an opportunity for a hearing, may  
8 ~~do 1 or both of the following: (a) Impose a lien for the amount~~  
9 ~~of any support that is past due upon such of the individually~~  
10 ~~owned real or personal property, or both, of the payer as the~~  
11 ~~court directs. A judgment imposing a lien on real property of~~  
12 ~~the payer shall be effective upon the filing and recording of a~~  
13 ~~certified copy of the judgment in the office of the register of~~  
14 ~~deeds of the county in which the real property is located. Upon~~  
15 ~~default in the payment of support referred to in the judgment,~~  
16 ~~the court may order the sale of real property subject to the lien~~  
17 ~~in the manner provided by law for the foreclosure of mortgage~~  
18 ~~liens; order execution of the judgment; appoint a receiver of the~~  
19 ~~real and personal property subject to the lien and order the~~  
20 ~~property and its income to be applied to the amount of the judg-~~  
21 ~~ment; or take any other appropriate action to enforce the~~  
22 ~~judgment. (b) Require~~ REQUIRE a payer to provide sufficient  
23 bond, security, or other guarantee to secure the payment of sup-  
24 port that is past due, or due in the future, or both. Upon  
25 default in the payment of an amount secured by the bond, the  
26 court, after notice to the payer and sureties, if any, and an  
27 opportunity for a hearing, may render judgment against the payer



**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

25

1 and sureties for the amount of unpaid support. Upon default in  
2 the payment of the amount awarded in the judgment, the court may  
3 order execution of the judgment; appoint a receiver of the real  
4 and personal property of the payer and order the property and its  
5 income to be applied to the amount of the judgment; or take any  
6 other appropriate action to enforce the judgment.

7       SEC. 25A. (1) THE AMOUNT OF PAST DUE SUPPORT THAT ACCRUES  
8 UNDER A JUDGMENT PURSUANT TO SECTION 3 OR UNDER THE LAW OF  
9 ANOTHER STATE CONSTITUTES A LIEN IN FAVOR OF THE RECIPIENT OF  
10 SUPPORT AGAINST THE REAL AND PERSONAL PROPERTY OF A PAYER, OTHER  
11 THAN FINANCIAL ASSETS PLEDGED TO A FINANCIAL INSTITUTION AS COL-  
12 LATERAL OR FINANCIAL ASSETS TO WHICH A FINANCIAL INSTITUTION HAS  
13 A PRIOR RIGHT OF SET OFF OR OTHER LIEN. THE LIEN IS EFFECTIVE AT  
14 THE TIME THAT THE SUPPORT IS DUE AND UNPAID AND SHALL CONTINUE  
15 UNTIL THE AMOUNT OF PAST DUE SUPPORT IS PAID IN FULL OR THE LIEN  
16 IS TERMINATED BY THE SUPPORT ENFORCEMENT AGENCY.

17       (2) LIENS THAT ARISE IN OTHER STATES SHALL BE ACCORDED FULL  
18 FAITH AND CREDIT WHEN THE REQUIREMENTS OF SECTION 25B ARE MET.

19       SEC. 25B. (1) THE OFFICE OF THE FRIEND OF THE COURT MAY  
20 PERFECT A LIEN CREATED UNDER SECTION 25A UPON THE REAL OR PER-  
21 SONAL PROPERTY OF THE PAYER WHEN AN ARREARAGE HAS ACCRUED IN AN  
22 AMOUNT THAT EXCEEDS THE AMOUNT OF PERIODIC SUPPORT PAYMENTS PAY-  
23 ABLE FOR 1 YEAR UNDER THE PAYER'S SUPPORT ORDER.

24       (2) BEFORE A LIEN IS PERFECTED IN A CASE IN WHICH A SUPPORT  
25 ORDER WAS ISSUED BEFORE THE EFFECTIVE DATE OF THIS SECTION, THE  
26 OFFICE OF THE FRIEND OF THE COURT SHALL SEND A NOTICE TO THE  
27 PAYER SUBJECT TO THE SUPPORT ORDER INFORMING THE PAYER OF THE

**SB 803, As Passed Senate, April 15, 1998**

SB 803 as amended by the Senate April 15, 1998 26

1 IMPOSITION OF LIENS BY OPERATION OF LAW AND THAT THE PAYER'S REAL  
2 AND PERSONAL PROPERTY CAN BE ENCUMBERED OR SEIZED IF AN ARREARAGE  
3 ACCRUES IN AN AMOUNT THAT EXCEEDS THE AMOUNT OF PERIODIC SUPPORT  
4 PAYMENTS PAYABLE FOR 1 YEAR UNDER THE PAYER'S SUPPORT ORDER.

5 (3) IF THE ARREARAGE UNDER SUBSECTION (2) IS REACHED AND THE  
6 OFFICE OF THE FRIEND OF THE COURT HAS DETERMINED THAT THE DELIN-  
7 QUENT PAYER HOLDS REAL OR PERSONAL PROPERTY, THE OFFICE OF THE  
8 FRIEND OF THE COURT MAY PERFECT THE LIEN.

9 (4) THE OFFICE OF THE FRIEND OF THE COURT SHALL PROVIDE A  
10 COPY OF THE NOTICE UNDER SUBSECTION (2) TO EACH OF THE  
11 FOLLOWING:

12 (A) A FINANCIAL INSTITUTION DOING BUSINESS IN THIS STATE IF  
13 THE PAYER HAS 1 OR MORE ACCOUNTS AT THAT FINANCIAL INSTITUTION.

14 (B) THE APPROPRIATE AGENCY OF ANOTHER STATE IF THE PAYER  
15 HOLDS ASSETS IN THAT OTHER STATE.

16 (5) THE OFFICE OF THE FRIEND OF THE COURT MAY PROVIDE NOTICE  
17 OF THE LIEN AND SUBSEQUENT NOTICES BY PAPER OR AUTOMATED MEANS.

18 (6) TO PERFECT A LIEN CREATED BY SECTION 25A, THE OFFICE OF THE  
19 FRIEND OF THE COURT MUST RECORD THE LIEN WITH THE REGISTER OF DEEDS  
IN THE COUNTY WHERE THE REAL PROPERTY IS LOCATED, OR FOR PERSONAL  
PROPERTY, IN THE APPROPRIATE STATE OR COUNTY OFFICE. A LIEN  
RECORDED AS PROVIDED IN THIS SUBSECTION TAKES EFFECT ON THE DATE AND  
AT THE TIME OF THAT RECORDING.

20 (7) THE OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE  
21 PAYER WHEN THE OFFICE OF THE FRIEND OF THE COURT HAS PERFECTED A  
22 LIEN AGAINST REAL OR PERSONAL PROPERTY OF THE PAYER. THE NOTICE  
23 SHALL BE SENT BY ORDINARY MAIL TO THE PAYER'S LAST KNOWN  
24 ADDRESS. A COPY OF THE NOTICE SHALL BE SENT BY ORDINARY MAIL TO  
25 THE RECIPIENT OF SUPPORT. THE NOTICE SHALL INCLUDE ALL OF THE  
26 FOLLOWING:

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

27

- 1 (A) THE AMOUNT OF THE ARREARAGE.
- 2 (B) THAT A LIEN IS IN EFFECT ON THE REAL OR PERSONAL  
3 PROPERTY OF THE PAYER.
- 4 (C) THAT THE PROPERTY IS SUBJECT TO SEIZURE UNLESS THE PAYER  
5 RESPONDS BY PAYING THE ARREARAGE OR REQUESTING A REVIEW WITHIN  
6 21 DAYS AFTER THE DATE OF MAILING THE NOTICE.
- 7 (D) THAT, AT THE REVIEW, THE PAYER MAY OBJECT TO THE LIEN  
8 AND PROPOSED ACTION BASED ON A MISTAKE OF FACT CONCERNING THE  
9 OVERDUE SUPPORT AMOUNT OR THE PAYER'S IDENTITY.
- 10 (E) THAT, IF THE PAYER BELIEVES THAT THE AMOUNT OF SUPPORT  
11 ORDERED SHOULD BE MODIFIED BECAUSE OF A CHANGE IN CIRCUMSTANCES,  
12 THE PAYER MAY FILE A PETITION WITH THE COURT FOR MODIFICATION OF  
13 THE SUPPORT ORDER.
- 14 (8) WITHIN 21 DAYS AFTER THE DATE ON WHICH THE NOTICE  
15 DESCRIBED IN SUBSECTION (7) IS MAILED TO A PAYER, THE PAYER MAY  
16 REQUEST A REVIEW ON THE LIEN AND THE PROPOSED ACTION. IF THE  
17 PAYER REQUESTS A REVIEW UNDER THIS SUBSECTION, THE OFFICE OF THE  
18 FRIEND OF THE COURT SHALL SCHEDULE THE REVIEW WITHIN 14 DAYS  
19 AFTER THE DATE OF THE REQUEST.
- 20 (9) IF, AT THE REVIEW, THE PAYER ESTABLISHES THAT THE LIEN  
21 IS NOT PROPER BECAUSE OF A MISTAKE OF FACT, THE OFFICE OF THE  
22 FRIEND OF THE COURT SHALL TERMINATE THE LIEN AND, WITHIN 7 DAYS,  
23 NOTIFY THE APPLICABLE ENTITY THAT THE LIEN IS TERMINATED.
- 24 (10) IF THE PAYER FAILS TO REQUEST A REVIEW, TO APPEAR FOR A  
25 REVIEW, OR TO ESTABLISH A MISTAKE OF FACT, THE OFFICE OF THE  
26 FRIEND OF THE COURT MAY COLLECT THE ARREARAGE BY LEVY UPON ANY  
27 PROPERTY BELONGING TO THE PAYER AS PROVIDED IN THIS SECTION. THE

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

28

1 OFFICE OF THE FRIEND OF THE COURT SHALL NOTIFY THE PAYER AT THE  
2 REVIEW OR BY WRITTEN NOTICE OF ITS INTENT TO LEVY.

3 (11) TO ENFORCE A LIEN UNDER THIS SECTION BY LEVYING AGAINST  
4 AN ACCOUNT AT A FINANCIAL INSTITUTION, THE OFFICE OF THE FRIEND  
5 OF THE COURT SHALL PROVIDE NOTICE IN THE MANNER PROVIDED BY LAW  
6 FOR LEVYING AGAINST AN ACCOUNT AT A FINANCIAL INSTITUTION.

7 (12) TO ENFORCE A LIEN ON REAL PROPERTY OR PERSONAL PROPERTY  
8 OTHER THAN AN ACCOUNT AT A FINANCIAL INSTITUTION, THE OFFICE MAY  
9 ORDER THE SALE OF REAL PROPERTY IN THE MANNER PROVIDED BY LAW FOR  
10 THE FORECLOSURE OF MORTGAGE LIENS; ORDER EXECUTION OF THE JUDG-  
11 MENT; APPOINT A RECEIVER OF THE REAL AND PERSONAL PROPERTY  
12 SUBJECT TO THE LIEN AND ORDER THE PROPERTY AND ITS INCOME TO BE  
13 APPLIED TO THE AMOUNT OF THE JUDGMENT; OR TAKE ANY OTHER APPRO-  
14 PRIATE ACTION TO ENFORCE THE JUDGMENT. THE OFFICE SHALL MAIL A  
15 COPY OF ORDERS UNDER THIS SUBSECTION TO THE PAYER AND RECIPIENT  
16 OF SUPPORT AT HIS OR HER LAST KNOWN ADDRESS.

17 (13) A LIEN CREATED UNDER SECTION 25A IS SUBORDINATE TO ANY  
18 PRIOR PERFECTED LIEN.

19 (14) A PAYER MAY REQUEST THAT THE OFFICE OF THE FRIEND OF  
20 THE COURT TERMINATE A LIEN AGAINST THE REAL AND PERSONAL PROPERTY  
21 OF THE PAYER ON THE BASIS THAT THE PAYER IS NO LONGER IN  
22 ARREARS. IF THE PAYER IS NO LONGER IN ARREARS, THE OFFICE OF THE  
23 FRIEND OF THE COURT SHALL TERMINATE THE LIEN PURSUANT TO LAW.

24 (15) AN ENTITY IS NOT LIABLE UNDER ANY FEDERAL OR STATE LAW  
25 TO ANY PERSON FOR ANY DISCLOSURE OF INFORMATION TO THE OFFICE OR  
26 THE DESIGNEE OF THE OFFICE UNDER THIS SECTION OR FOR ANY OTHER

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

29

1 ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THE REQUIREMENTS OF  
2 THIS SECTION.

3       Sec. 26. If a parent fails to obtain or maintain health  
4 care coverage for the parent's child as ordered by the court, the  
5 office of the friend of the court shall, as applicable, do either  
6 of the following:

7       (a) Petition the court for an order to show cause why the  
8 parent should not be held in contempt for failure to obtain or  
9 maintain dependent health care coverage that is available at a  
10 reasonable cost.

11       (b) Send notice of noncompliance to the parent. ~~—, which~~  
12 ~~notice states that~~ THE NOTICE SHALL CONTAIN ALL OF THE FOLLOWING  
13 INFORMATION:

14       (i) THAT the office will notify the parent's employer to  
15 deduct premiums for, and to notify the insurer or plan adminis-  
16 trator to enroll the child in, dependent health care coverage  
17 unless the parent does either of the following within 14 days  
18 after mailing of the notice:

19       (A) ~~—(i)—~~ Submits written proof to the friend of the court  
20 of the child's enrollment in a health care coverage plan.

21       (B) ~~—(ii)—~~ Requests a hearing to determine the availability  
22 or reasonable cost of the health care coverage.

23       (ii) THAT THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE WILL  
24 BE APPLIED TO CURRENT AND SUBSEQUENT EMPLOYERS AND PERIODS OF  
25 EMPLOYMENT.

26       Sec. 26a. (1) If a parent is eligible for health care  
27 coverage through an employer doing business in the state, the

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

30

1 employer shall notify its insurer or plan administrator and take  
2 other action as required to enroll that parent's child in its  
3 health care coverage plan or plans, without regard to any enroll-  
4 ment period restrictions, when all of the following exist:

5 (a) The parent is required by a court or administrative  
6 order to provide health care coverage for the parent's child.

7 (b) The child is eligible for coverage under the plan. A  
8 child cannot be denied enrollment or coverage on the grounds that  
9 the child was born out of wedlock, is not claimed as a dependent  
10 on the parent's federal income tax return, does not reside with  
11 the parent or in the insurer's service area, or is eligible for  
12 or receiving medical assistance.

13 (c) The employee applies for coverage for the child or, if  
14 the employee fails to apply, the friend of the court or child's  
15 other parent through the friend of the court applies for coverage  
16 for the child. APPLICATION BY THE FRIEND OF THE COURT SHALL BE  
17 IN THE FORM OF THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE OR A  
18 NOTICE OF THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE.

19 (2) If coverage is available through the parent's employer,  
20 the employer shall withhold from the employee's income the  
21 employee's share, if any, of premiums for dependent health care  
22 coverage not to exceed the amount allowed under section 8 and pay  
23 that amount to the insurer or plan administrator.

24 (3) An employer shall not disenroll or eliminate health care  
25 coverage of a child eligible for coverage and enrolled under sub-  
26 section (1) unless the employer is provided with satisfactory  
27 written evidence that 1 of the following applies:

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

31

1 (a) The court or administrative order requiring health care  
2 coverage is no longer in effect.

3 (b) The child is or will be enrolled in comparable health  
4 care coverage that takes effect not later than the effective date  
5 of the disenrollment from the existing plan.

6 (c) The employer has eliminated dependent health care cover-  
7 age for all of its employees or members.

8 Sec. 26b. (1) An order for dependent health care coverage  
9 entered under this act shall include the information required in  
10 a qualified order as specified in section 609 of part 6 of subti-  
11 tle B of ~~Title~~ TITLE I of the employee retirement income secur-  
12 ity act of 1974, Public Law 93-406, ~~107 Stat. 371,~~ 29  
13 U.S.C. 1169, if the health care coverage plan of the individual  
14 who is responsible for providing a child with health care cover-  
15 age is subject to that act.

16 (2) An order OR NOTICE OF AN ORDER for dependent health care  
17 coverage served on an employer shall direct the employer to with-  
18 hold from the employee's income the employee's share, if any, of  
19 premiums for dependent health care coverage and pay that amount  
20 to the insurer or plan administrator. The order OR NOTICE shall  
21 also direct that the amount withheld for support, fees, and  
22 health care premiums shall not exceed the amount allowed under  
23 section 303(b) of title III of the consumer credit protection  
24 act, Public Law 90-321, 15 U.S.C. 1673.

25 (3) An order OR NOTICE OF AN ORDER for dependent health care  
26 coverage under this section may be combined with an order OR  
27 NOTICE of income withholding under section 9.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

32

1           Sec. 28. (1) The office of the friend of the court may  
2 petition the court for an order to suspend a payer's occupational  
3 ~~or~~ LICENSE, driver's license, ~~or both~~, OR RECREATIONAL  
4 OR SPORTING LICENSE, OR ANY COMBINATION OF THE LICENSES, if all of  
5 the  
6 following circumstances are true:

7           (a) An arrearage has accrued in an amount greater than the  
8 amount of periodic support payments payable for ~~3~~ 6 months  
9 under the payer's support order.

10           (b) The payer holds an occupational ~~or~~ LICENSE, driver's  
11 license, OR RECREATIONAL OR SPORTING LICENSE or the payer's  
12 occupation requires an occupational license.

13           (c) An order of income withholding is not applicable or has  
14 been unsuccessful in assuring regular payments on the support  
15 obligation and regular payments on the arrearage.

16           (2) An office of the friend of the court shall not file a  
17 petition as authorized under subsection (1) unless the office  
18 sends the payer a notice that includes all of the following  
19 information:

20           (a) The amount of the arrearage.

21           (b) That the payer's occupational ~~or~~ LICENSE, driver's  
22 license, ~~or both~~ OR RECREATIONAL OR SPORTING LICENSE, OR  
23 ANY COMBINATION OF THE LICENSES, may be subject to an order of  
24 suspension.

25           (c) That the suspension order will be entered and sent to  
26 the ~~occupational regulatory agency issuing the payer's occupa-~~  
~~tional license or the secretary of state~~ LICENSING AGENCY unless



1 the payer responds by paying the arrearage or requesting a  
2 hearing within 21 days after the date of mailing the notice.

3 (d) That, at the hearing, the payer may do either of the  
4 following:

5 (i) Object to the proposed suspension based on a mistake of  
6 fact concerning the overdue support amount or the payer's  
7 identity.

8 (ii) Suggest to the court a schedule for the payment of the  
9 arrearage.

10 (e) That, if the payer believes that the amount of support  
11 ordered should be modified due to a change in circumstances, the  
12 payer may file a petition with the court for modification of the  
13 support order.

14 Sec. 29. (1) Within 21 days after the date on which the  
15 notice described in section 28 is mailed to a payer, the payer  
16 may request a hearing on the proposed suspension. If the payer  
17 requests a hearing within that time, entry of the suspension  
18 order shall be delayed pending the outcome of the hearing.

19 (2) If a payer files a petition for modification of the sup-  
20 port order and the petition is pending at the date scheduled for  
21 a hearing under this section, the court shall consolidate the  
22 hearing under this section and a hearing on the petition for mod-  
23 ification unless the court finds for good cause shown on the  
24 record that the hearings should be held separately. If the court  
25 finds that the hearings should be held separately, the hearing on  
26 the petition for modification shall be held before the hearing  
27 scheduled under this section.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

34

1 (3) If the court determines that the payer has accrued an  
2 arrearage on his or her support order and that the payer has, or  
3 could by the exercise of due diligence have, the capacity to pay  
4 all or some portion of the amount due, the court shall order the  
5 payment of the arrearage in 1 or more scheduled installments of a  
6 sum certain.

7 (4) After 21 days after the date on which the notice  
8 described in section 28 is sent, the court may order the suspen-  
9 sion of the payer's occupational ~~or~~ LICENSE, driver's license,  
10 ~~or both~~ OR RECREATIONAL OR SPORTING LICENSE, OR ANY COMBINATION OF  
11 THE LICENSES,  
12 INCLUDED IN THE NOTICE UNDER SECTION 28, under  
13 either of the following circumstances:

14 (a) The payer fails to pay the arrearage and fails to either  
15 request a hearing as provided in subsection (1) or appear for a  
16 hearing scheduled after such a request.

17 (b) The payer fails to comply with an arrearage payment  
18 schedule ordered under this section.

19 Sec. 30. (1) If the court orders a suspension of an occupa-  
20 tional ~~or~~ LICENSE, driver's license, OR RECREATIONAL OR  
21 SPORTING LICENSE, OR ANY COMBINATION OF THE LICENSES, under section  
22 <sup>29,</sup> 33, 35, or 45, the order shall indicate that the ~~occupational~~  
23 ~~regulatory agency or the secretary of state, as appropriate,~~  
24 LICENSING AGENCY shall suspend the ~~occupational or driver's~~  
25 license within 7 business days after receipt of the suspension  
26 order. The office of the friend of the court shall send a copy  
27 of the suspension order to the ~~occupational regulatory agency~~  
~~that issues the occupational license or the secretary of state,~~

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

35

1 ~~as appropriate~~ LICENSING AGENCY. If the payer is the subject of  
2 a suspension order under section 29 and has failed to respond in  
3 any manner to the notice given under section 28, the office of  
4 the friend of the court shall not send the suspension order to  
5 the ~~regulatory agency or secretary of state~~ LICENSING AGENCY  
6 until at least 14 days after the date the office first attempts  
7 service of a copy of the order on the payer by personal service  
8 or by registered or certified mail, return receipt requested,  
9 with delivery restricted to the payer.

10 (2) After entry of a suspension order under section 29, a  
11 payer may agree to and the court may order a schedule for the  
12 payment of the arrearage. If the court orders a schedule for  
13 payment of the arrearage, the court shall enter an order rescind-  
14 ing the suspension order that is effective as provided in section  
15 4 of the regulated occupation support enforcement act, ~~or in~~  
16 1996 PA 236, MCL 338.3434, section 321c of the Michigan vehicle  
17 code, ~~Act No. 300 of the Public Acts of 1949, being section~~  
18 ~~257.321c of the Michigan Compiled Laws~~ 1949 PA 300, MCL  
19 257.321C, OR SECTION 43559 OF THE NATURAL RESOURCES AND  
20 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.43559

21 . If a suspension order has been sent, within 7 busi-  
22 ness days after entry of the order rescinding the suspension  
23 order, the office of the friend of the court shall send a copy of  
24 the order rescinding the suspension order to the ~~occupational~~  
25 ~~regulatory agency that issues the payer's occupational license or~~  
26 ~~the secretary of state, as appropriate~~ LICENSING AGENCY.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

36

1           Sec. 33. (1) The court may find a payer in contempt if the  
2 court finds that the payer is in arrears and if the court is  
3 satisfied that the payer has the capacity to pay out of currently  
4 available resources all or some portion of the amount due under  
5 the support order. In the absence of proofs to the contrary  
6 introduced by the payer, the court shall presume that the payer  
7 has currently available resources equal to 4 weeks of payments  
8 under the support order. The court shall not find that the payer  
9 has currently available resources of more than 4 weeks of pay-  
10 ments without proof of those resources by the office of the  
11 friend of the court or the recipient of support. Upon finding a  
12 payer in contempt of court under this section, the court may  
13 immediately enter an order doing 1 of the following:

14           (a) Committing the payer to the county jail.

15           (b) Committing the payer to the county jail with the privi-  
16 lege of leaving the jail during the hours the court determines,  
17 and under the supervision the court considers, necessary for the  
18 purpose of allowing the payer to go to and return from his or her  
19 place of employment.

20           (c) Committing the payer to a penal or correctional facility  
21 in this state that is not operated by the state department of  
22 corrections.

23           (d) If the payer holds an occupational ~~or~~ LICENSE,  
24 driver's license, OR RECREATIONAL OR SPORTING LICENSE, con-  
25 ditioning a suspension of the payer's ~~occupational or driver's~~  
26 license, or ~~both~~ ANY COMBINATION OF THE LICENSES, upon  
27 noncompliance with an order for payment of the arrearage in 1 or

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

37

1 more scheduled installments of a sum certain. A court shall not  
2 order the sanction authorized by this subdivision unless the  
3 court finds that the payer has accrued an arrearage of support  
4 payments in an amount greater than the amount of periodic support  
5 payments payable for ~~3~~ 6 months under the payer's support  
6 order.

7 (E) ORDERING THE PAYER TO PARTICIPATE IN A WORK ACTIVITY. THE  
COURT SHALL NOT ENTER AN ORDER USING THIS SUBDIVISION UNLESS THE  
PAYER'S ARREARAGE IS UNDER A CHILD SUPPORT ORDER AND A CHILD WHO IS  
THE SUBJECT OF THAT ORDER IS RECEIVING FINANCIAL ASSISTANCE UNDER  
TITLE IV OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42  
U.S.C. 601 TO 603, 604 TO 608, 609 TO 619, 620 TO 629e, 651 TO 660,  
663 TO 669b, 670 TO 673, 673b, 674 TO 679, 679b, AND 681 TO 687.  
THIS SUBDIVISION DOES NOT ALTER THE COURT'S AUTHORITY TO INCLUDE  
PROVISIONS IN AN ORDER ISSUED UNDER THIS SECTION CONCERNING A  
PAYER'S EMPLOYMENT OR HIS OR HER SEEKING OF EMPLOYMENT AS THAT  
AUTHORITY EXISTS ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
ADDED THIS SUBDIVISION.

8 (2) If the court enters an order under subsection (1)(d) and  
9 the payer fails to comply with the arrearage payment schedule,  
10 after notice and opportunity for a hearing, the court shall order  
11 suspension of the payer's ~~occupational or driver's~~ license ~~—~~  
12 or ~~both~~ LICENSES WITH RESPECT TO WHICH THE ORDER UNDER SUBSEC-  
13 TION (1)(D) WAS ENTERED and SHALL proceed under section 30.

14 Sec. 35. (1) The court may find a payer in contempt if the  
15 court finds that the payer is in arrears and if the court is sat-  
16 isfied that by the exercise of diligence the payer could have the  
17 capacity to pay all or some portion of the amount due under the  
18 support order and that the payer fails or refuses to do so.

19 (2) Upon finding a payer in contempt of court under this  
20 section, the court may immediately enter an order doing either of  
21 the following:

22 (a) Committing the payer to the county jail with the privi-  
23 lege of leaving the jail during the hours the court determines,  
24 and under the supervision the court considers, necessary for the  
25 purpose of allowing the payer to go to and return from his or her  
26 place of employment or, if the person wishes to seek employment,  
27 to seek employment.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

38

1 (b) If the payer holds an occupational ~~or~~ LICENSE,  
2 driver's license, OR RECREATIONAL OR SPORTING LICENSE, con-  
3 ditioning a suspension of the payer's ~~occupational or driver's~~  
4 license, or ~~both~~ ANY COMBINATION OF THE LICENSES, upon noncom-  
5 pliance with an order for payment of the arrearage in 1 or more  
6 scheduled installments of a sum certain. A court shall not order  
7 the sanction authorized by this subdivision unless the court  
8 finds that the payer has accrued an arrearage of support payments  
9 in an amount greater than the amount of periodic support payments  
10 payable for ~~3~~ 6 months under the payer's support order.

11 (C) ORDERING THE PAYER TO PARTICIPATE IN A WORK ACTIVITY. THE  
COURT SHALL NOT ENTER AN ORDER USING THIS SUBDIVISION UNLESS THE  
PAYER'S ARREARAGE IS UNDER A CHILD SUPPORT ORDER AND A CHILD WHO IS  
THE SUBJECT OF THAT ORDER IS RECEIVING FINANCIAL ASSISTANCE UNDER  
TITLE IV OF THE SOCIAL SECURITY ACT, CHAPTER 531, 49 STAT. 620, 42  
U.S.C. 601 TO 603, 604 TO 608, 609 TO 619, 620 TO 629e, 651 TO 660,  
663 TO 669b, 670 TO 673, 673b, 674 TO 679, 679b, AND 681 TO 687.  
THIS SUBDIVISION DOES NOT ALTER THE COURT'S AUTHORITY TO INCLUDE  
PROVISIONS IN AN ORDER ISSUED UNDER THIS SECTION CONCERNING A  
PAYER'S EMPLOYMENT OR HIS OR HER SEEKING OF EMPLOYMENT AS THAT  
AUTHORITY EXISTS ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
ADDED THIS SUBDIVISION.

12 (3) Notwithstanding the length of commitment imposed under  
13 this section, an unemployed payer committed to a county jail  
14 under this section who finds employment shall be released from  
15 jail if either of the following applies:

16 (a) The payer is self-employed and has completed 2 consecu-  
17 tive weeks at his or her employment.

18 (b) The payer is employed and has completed 2 consecutive  
19 weeks at his or her employment and an order of income withholding  
20 is effective.

21 (4) If the court enters an order under subsection (2)(b) and  
22 the payer fails to comply with the arrearage payment schedule,  
23 after notice and an opportunity for a hearing, the court shall  
24 order suspension of the payer's ~~occupational or driver's~~  
25 license, ~~or both~~, LICENSE OR LICENSES WITH RESPECT TO WHICH THE  
26 ORDER UNDER SUBSECTION (2)(B) WAS ENTERED and SHALL proceed under  
27 section 30.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

39

1           Sec. 44. (1) If the office of the friend of the court  
2 determines that application of a makeup parenting time policy  
3 under section 41(1)(a) is unsuccessful in resolving a parenting  
4 time dispute or that action should otherwise be taken under sec-  
5 tion 41(1)(b), the office of the friend of the court shall com-  
6 mence a civil contempt proceeding to resolve a dispute concerning  
7 parenting time with a minor child by filing with the circuit  
8 court a petition for an order to show cause why either parent who  
9 has violated a parenting time order should not be held in  
10 contempt. The office of the friend of the court shall notify the  
11 parent who is the subject of the petition. The notice shall  
12 include at least all of the following:

13           (a) A list of each possible sanction if the parent is found  
14 in contempt.

15           (b) The right of the parent to a hearing on a proposed modi-  
16 fication of parenting time if requested within 14 days after the  
17 date of the notice, as provided in section 45.

18           (2) If the court finds that either parent has violated a  
19 parenting time order, the court shall find that parent in con-  
20 tempt and may do 1 or more of the following:

21           (a) Require additional terms and conditions consistent with  
22 the court's parenting time order.

23           (b) After notice to both parties and a hearing, if requested  
24 by a party, on a proposed modification of parenting time, modify  
25 the parenting time order to meet the best interests of the  
26 child.

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

40

1 (c) Order that makeup parenting time be provided for the  
2 noncustodial parent to take the place of wrongfully denied  
3 parenting time.

4 (d) Order the parent to pay a fine of not more than  
5 \$100.00.

6 (e) Commit the parent to the county jail.

7 (f) Commit the parent to the county jail with the privilege  
8 of leaving the jail during the hours the court determines neces-  
9 sary, and under the supervision the court considers necessary,  
10 for the purpose of allowing the parent to go to and return from  
11 his or her place of employment.

12 (g) If the parent holds an occupational ~~or~~ LICENSE,  
13 driver's license, OR RECREATIONAL OR SPORTING LICENSE, con-  
14 dition the suspension of the ~~parent's occupational or driver's~~  
15 license, OR ANY COMBINATION OF THE LICENSES, upon noncompliance  
16 with an order for makeup and ongoing parenting time.

17 (h) State on the record the reason the court is not ordering  
18 a sanction listed in subdivisions (a) to (g).

19 (3) A commitment under subsection (2)(e) or (f) shall not  
20 exceed 45 days for the first finding of contempt or 90 days for  
21 each subsequent finding of contempt. A parent committed under  
22 subsection (2)(e) or (f) shall be released if the court has rea-  
23 sonable cause to believe that the parent will comply with the  
24 parenting time order.

25 (4) If a parent fails to appear in response to an order to  
26 show cause, the court may issue a bench warrant requiring that  
27 the parent be brought before the court without unnecessary delay



**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

41

1 to show cause why the parent should not be held in contempt.  
2 Except for good cause shown on the record, the court shall fur-  
3 ther order the parent to pay the costs of the hearing, the issu-  
4 ance of the warrant, the arrest, and further hearings, which  
5 costs shall be transmitted to the county treasurer for distribu-  
6 tion as provided in section 31.

7       Sec. 45. (1) If the court enters an order under section  
8 44(2)(g) and the parent fails to comply with the makeup and ongo-  
9 ing parenting time schedule, the court shall find the parent in  
10 contempt and, after notice and an opportunity for a hearing, may  
11 order suspension of the parent's ~~occupational or driver's~~  
12 ~~license, or both,~~ LICENSE OR LICENSES WITH RESPECT TO WHICH THE  
13 ORDER UNDER SECTION 44(2)(G) WAS ENTERED and proceed under sec-  
14 tion 30.

15       (2) After entry of a suspension order under subsection (1),  
16 a parent may agree to a makeup parenting time schedule. The  
17 court may order a makeup parenting time schedule if the parent  
18 demonstrates a good faith effort to comply with the parenting  
19 time order. If the court orders a makeup parenting time sched-  
20 ule, the court shall enter an order rescinding the suspension  
21 order that is effective as provided in section 4 of the regulated  
22 occupation support enforcement act, ~~or~~ 1996 PA 236, MCL  
23 338.3434, section 321c of the Michigan vehicle code, ~~Act No. 300~~  
24 ~~of the Public Acts of 1949, being section 257.321c of the~~  
25 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.321C, OR SECTION  
26 43559                   OF THE NATURAL RESOURCES AND ENVIRONMENTAL  
27 PROTECTION ACT, 1994 PA 451, MCL 324.43559 .

**SB 803, As Passed Senate, April 15, 1998**

Senate Bill No. 803

42

1 Within 7 business days after entry of the order rescinding the  
2 suspension order, the office of the friend of the court shall  
3 send a copy of the order rescinding the suspension order to the  
4 ~~occupational regulatory agency that issues the parent's occupa-~~  
5 ~~tional license or the secretary of state, as appropriate~~  
6 LICENSING AGENCY.

7 (3) Within 14 days after the date of the notice under sec-  
8 tion 44, a parent who is notified of a petition to show cause  
9 under section 44 may request a hearing on a proposed modification  
10 of parenting time. The court shall hold the requested hearing  
11 unless the parenting time dispute is resolved by other means.  
12 The court shall combine the hearing prescribed by this subsection  
13 with the hearing on the order to show cause unless the court  
14 finds for good cause shown on the record that the hearings should  
15 be held separately. If the court finds that the hearings should  
16 be held separately, the hearing on a proposed modification of  
17 parenting time shall be held before the hearing on the order to  
18 show cause.

19 Enacting section 1. This amendatory act does not take  
20 effect unless Senate Bill No. 800 of the 89th Legislature is  
21 enacted into law.